UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
_____

FREEMAN WEBB,

                          Plaintiff,

            v.   9:05-CV-0015

GLENN S. GOORD, et al.,

                          Defendants.
_____

APPEARANCES: OF COUNSEL:

FREEMAN WEBB
95-A-0087
Last Known Address
Five Points Correctional Facility
Caller Box 119
Romulus, New York 14541
Plaintiff, *Pro Se*

HON. ANDREW CUOMO   MICHAEL G. McCARTIN, ESQ.
Attorney General of the State of New York   Assistant Attorney General
The Capitol
Albany, New York 12224
Attorney for Defendants

NORMAN A. MORDUE, CHIEF JUDGE

                               <u>ORDER</u>

        The above matter comes to me following a Report-Recommendation by Magistrate Judge

Randolph F. Treece, duly filed on the 22nd day of August 2008. Following ten days from the

service thereof, the Clerk has sent me the file, including any and all objections filed by the parties

herein.

        Such Report-Recommendation, which was mailed to plaintiff's last known residence, was

returned to the Court as undeliverable to plaintiff at such address. *See* docket no. 71.

Additionally, plaintiff was previously advised by the Court that plaintiff was required to promptly notify the Clerk's Office of any change in his address, and that failure to keep such office apprised of his current address would result in the dismissal of the instant action. *See* docket no. 27.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby adopted in its entirety.

2. This action is dismissed due to plaintiff's failure to prosecute and provide an updated address.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: September 5, 2008
       Syracuse, New York

Norman A. Mordue
Chief United States District Court Judge